

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**In the matter of:**

JOSEPH G. DUMOUCHELLE, and  
MELINDA J. ADDUCCI,  
*Debtor(s)*

Bankruptcy Petition No. 19-54531  
Hon. Lisa S. Gretchko  
Chapter 7

TEODOR GELOV,  
*Plaintiff,*

Adv. Pro. No. 20-04172  
Hon. Lisa S. Gretchko

v.

JOSEPH G. DUMOUCHELLE, and  
MELINDA J. ADDUCCI,  
*Defendant(s)*

**DEFENDANTS' ANSWER TO PLAINTIFF'S SECOND AMENDED  
COMPLAINT TO DETERMINE NONDISCHARGEABILITY OF  
INDEBTEDNESS UNDER 11 U.S.C. § 523**

NOW COME the Defendants, JOSEPH G. DUMOUCHELLE (“Joe”) and MELINDA J. ADDUCCI, (“Lindy”) (collectively “Debtors” or “Defendants”), by and through their counsel, JOHN R. FOLEY, P.C., who hereby answer Plaintiff’s SECOND AMENDED COMPLAINT TO DETERMINE NONDISCHARGEABILITY OF INDEBTEDNESS UNDER 11 U.S.C. § 523 (“Complaint”), as follows:

**Answer of Defendant Joseph G. DuMouchelle**

Defendant Joseph G. DuMouchelle asserts his Fifth Amendment Privilege in response to each and every allegation in Plaintiff’s Complaint.

**Answer of Defendant Melinda Adducci**

1. Denied for the reason that the same is untrue.
2. Admitted.
3. Admitted.
4. Admitted.
5. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted, subject to the clarification that Lindy was only a 10% member, and the business was primarily Joe's business.
10. Denied for the reason that the same is untrue.
11. This allegation does not require a response.

**General Allegation**

12. Denied for the reason that the same is untrue.
13. Denied for the reason that the same is untrue.
14. Denied for the reason that the same is untrue.
15. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the

matter asserted.

16. Admit that the note so states, Neither admitted nor denied to the extent the question call for interpretation of, or a conclusion of, law.

17. Denied for the reason that the same is untrue.

18. Denied for the reason that the same is untrue.

19. Denied for the reason that the same is untrue.

20. Denied for the reason that the same is untrue.

21. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

22. Denied for the reason that the same is untrue.

**The Note: Restrictions on Use and Title to the “Property”**

23. Denied for the reason that the same is untrue.

24. Admitted.

25. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

26. Denied for the reason that the same is untrue.

27. Denied for the reason that the same is untrue.

### **The Note: Plaintiff's Security Interest**

28.Denied for the reason that the same is untrue.

29.Defendant Lindy neither admits nor denies this allegation for the reason that  
Lindy lacks sufficient information so as to form a belief as to the truth of the  
matter asserted.

30.Defendant Lindy neither admits nor denies this allegation for the reason that  
Lindy lacks sufficient information so as to form a belief as to the truth of the  
matter asserted.

31.Defendant Lindy neither admits nor denies this allegation for the reason that  
Lindy lacks sufficient information so as to form a belief as to the truth of the  
matter asserted.

32.Defendant Lindy neither admits nor denies this allegation for the reason that  
Lindy lacks sufficient information so as to form a belief as to the truth of the  
matter asserted.

33.Defendant Lindy neither admits nor denies this allegation for the reason that  
Lindy lacks sufficient information so as to form a belief as to the truth of the  
matter asserted.

34.Defendant Lindy neither admits nor denies this allegation for the reason that  
Lindy lacks sufficient information so as to form a belief as to the truth of the  
matter asserted.

35. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

36. Denied for the reason that the same is untrue.

37. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

38. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

39. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

40. Denied for the reason that the same is untrue.

### **Plaintiff's Demand Upon and Notice to Borrowers**

41. Lindy denies that she is a party to the purported note.

42. Lindy denies that she is a party to the purported note.

43. Denied for the reason that the same is untrue.

44. Denied for the reason that the same is untrue.

45. Denied for the reason that the same is untrue.

46. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

47. Denied for the reason that the same is untrue.

### **The Send Money-Confirmation**

48. Admitted.

49. Admitted.

50. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

51. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

52. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

53. Admitted.

54. Admitted.

55. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the

matter asserted.

56. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

57. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

58. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

59. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

60. Admitted.

61. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

62. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

63. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

64. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

65. Defendant Lindy neither admits nor denies this allegation for the reason that Lindy lacks sufficient information so as to form a belief as to the truth of the matter asserted.

66. Denied for the reason that the same is untrue.

### **Judgment and Plaintiff's Proof of Claim**

67. Admitted that Judgment was obtained.

68. The proof of claim speaks for itself. Neither admitted nor denied to what Plaintiff did or did not include in his calculations.

69. Denied that Plaintiff should be granted this relief against Lindy.

### **The Criminal Action**

70. Admitted.

71. Denied for the reason that the same is untrue.

72. Admitted, although that is the subject of a pending appeal.

73. Denied for the reason that the same is untrue.



74.Denied that said opinion has any relevancy to this case or to Lindy.

75.Denied for the reason that the same is untrue.

76.Denied for the reason that the same is untrue.

### **Count I**

77.No response required.

78.Denied for the reason that the same is untrue.

79.Denied for the reason that the same is untrue.

80.Denied for the reason that the same is untrue.

81.Denied for the reason that the same is untrue.

82.Denied for the reason that the same is untrue.

83.Denied for the reason that the same is untrue.

84.Denied for the reason that the same is untrue.

85.Denied for the reason that the same is untrue.

86.Denied for the reason that the same is untrue.

87.Denied for the reason that the same is untrue.

88.Denied for the reason that the same is untrue.

89.Denied for the reason that the same is untrue.

90.Denied for the reason that the same is untrue.

91.Denied for the reason that the same is untrue.

92.Denied for the reason that the same is untrue.

93.Denied for the reason that the same is untrue.

94.Denied for the reason that the same is untrue.

95.Denied for the reason that the same is untrue.

96.Denied for the reason that the same is untrue.

97.Denied for the reason that the same is untrue.

98.Denied for the reason that the same is untrue.

99.Denied for the reason that the same is untrue.

100. Denied for the reason that the same is untrue.

### **Count II**

101. No response required.

102. Denied for the reason that the same is untrue.

103. Denied for the reason that the same is untrue.

104. Denied for the reason that the same is untrue.

105. Denied for the reason that the same is untrue.

106. Denied for the reason that the same is untrue.

### **Count III**

107. No response required.

108. Denied for the reason that the same is untrue.

109. Denied for the reason that the same is untrue.

110. Denied for the reason that the same is untrue.

111. Denied for the reason that the same is untrue.

112. Denied for the reason that the same is untrue.

**Count IV**

113. No response required.

114. Denied for the reason that the same is untrue.

115. Denied for the reason that the same is untrue.

116. Denied for the reason that the same is untrue.

117. Denied for the reason that the same is untrue.

118. Denied for the reason that the same is untrue.

119. Denied for the reason that the same is untrue.

120. Denied for the reason that the same is untrue.

121. Denied for the reason that the same is untrue.

122. Denied for the reason that the same is untrue.

123. Denied for the reason that the same is untrue.

124. Denied for the reason that the same is untrue.

125. Denied for the reason that the same is untrue.

126. Denied for the reason that the same is untrue.

127. Denied for the reason that the same is untrue.

128. Denied for the reason that the same is untrue.

129. Denied for the reason that the same is untrue.

130. Denied for the reason that the same is untrue.

131. Denied for the reason that the same is untrue.

**WHEREFORE**, your Defendant, Lindy, respectfully requests that this Honorable Court deny Plaintiff any relief upon his Complaint against Lindy.

Respectfully submitted,  
**JOHN R. FOLEY, P.C.**  
*Counsel for Defendants*

Date: March 23, 2023

By: /s/ Patrick A. Foley  
Patrick A. Foley, Esq. (P74323)  
18572 W. Outer Drive  
Dearborn, MI 48128  
Phone: (313) 274-7377  
Fax: (313) 274-5946  
Email: [pafoley@jrfpc.net](mailto:pafoley@jrfpc.net)

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**In the matter of:**

JOSEPH G. DUMOUCHELLE, and  
MELINDA J. ADDUCCI,  
*Debtor(s)*

Bankruptcy Petition No. 19-54531  
Hon. Lisa S. Gretchko  
Chapter 7

---

TEODOR GELOV,  
*Plaintiff,*

Adv. Pro. No. 20-04172  
Hon. Lisa S. Gretchko

v.  
JOSEPH G. DUMOUCHELLE, and  
MELINDA J. ADDUCCI,  
*Defendant(s)*

---

**DEFENDANTS' AFFIRMATIVE DEFENSES**

**NOW COME** the Defendants, JOSEPH G. DUMOUCHELLE and MELINDA J. ADDUCCI (collectively, the "Defendants"), by and through their counsel, JOHN R. FOLEY, P.C., and for their *Affirmative Defenses*, hereby state as follows:

1. Plaintiff has failed to state a claim upon which relief may be granted.
2. Certain allegations and claims of the Plaintiff are time-barred by applicable statute(s) of limitation.
3. As indicated above, Defendants have consistently asserted their Fifth Amendment privileges and because they do not wish to waive those privileges at this time, reserve their ability to modify and add to their additional defenses.

Respectfully submitted,  
**JOHN R. FOLEY, P.C.**  
*Counsel for Defendants*

Date: March 23, 2023

By: /s/ Patrick A. Foley  
Patrick A. Foley, Esq. (P74323)  
18572 W. Outer Drive  
Dearborn, MI 48128  
Phone: (313) 274-7377  
Fax: (313) 274-5946  
Email: [pafoley@jrfpc.net](mailto:pafoley@jrfpc.net)

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**In the matter of:**

JOSEPH G. DUMOUCHELLE, and  
MELINDA J. ADDUCCI,  
*Debtor(s)*

Bankruptcy Petition No. 19-54531  
Hon. Lisa S. Gretchko  
Chapter 7

TEODOR GELOV,  
*Plaintiff,*

Adv. Pro. No. 20-04172  
Hon. Lisa S. Gretchko

v.  
JOSEPH G. DUMOUCHELLE, and  
MELINDA J. ADDUCCI,  
*Defendant(s)*

**PROOF OF SERVICE**

Patrick A. Foley hereby certifies that on March 23, 2023 he did serve a copy of the foregoing *Answer to Complaint* and *Affirmative Defenses*, upon the following parties via the Court's CM/ECF e-Filing system:

- Kimberly Ross Clayson      kclayson@taftlaw.com, ttorni@taftlaw.com
- Jay L. Welford              jwelford@taftlaw.com, ttorni@taftlaw.com

Respectfully Submitted,  
**JOHN R. FOLEY, P.C.**  
Counsel for Defendants

Dated: March 23, 2023

By: /s/ Patrick A. Foley  
Patrick A. Foley (P74323)  
18572 W. Outer Drive  
Dearborn, MI 48128  
Phone: (313) 274-7377  
Email: [pafoley@jrfpc.net](mailto:pafoley@jrfpc.net)